REPORT OF THE
CHIEF LEGISLATIVE ANALYST

DATE: April 16, 2020

TO: Honorable Members of the City Council

FROM: Sharon M. Tso
Chief Legislative Analyst

Council File No. 20-0002-S47
Assignment No. 20-04-0388

SUBJECT: Resolution (Blumenfield – O'Farrell) to support frontline workers on U.S. visas.

CLA RECOMMENDATION: Adopt Resolution (Blumenfield – O'Farrell) to include in the City's 2019-2020 Federal Legislative Program SUPPORT for legislation or administrative action to extend all work permits and visas for critical workers, including healthcare professionals such as doctors and nurses, who are providing life-saving medical services for our communities.

SUMMARY

Resolution (Blumenfield-O'Farrell) states that on January 31, 2020, the U.S. Secretary of Health and Human Services declared a public health emergency due to the Coronavirus (COVID-19) pandemic which has had a devastating public health and economic impact on communities throughout the United States. The Resolution provides that on March 4, 2020, Governor Newsom and Mayor Garcetti issued "stay-at-home" orders to protect the health and safety of our communities. According to the Resolution, Congress has enacted legislation to provide funding assistance to individuals and businesses, and medical supplies for hospitals, to address the public health and economic ramifications of the COVID-19 pandemic.

The Resolution notes that most frontline responders to the pandemic who are doctors, nurses, and other medical professionals are in the process of receiving the medical supplies and employee protections needed to continue to function; however, many frontline first responders providing these critical services are foreign-born professionals on work permits or H-1B visas, and are facing an additional challenge with their status in the United States.

The Resolution states that as a result of the temporary closure of United States Citizenship and Immigration Services (USCIS) offices due to COVID-19, frontline responders whose work permits and visas may be due to expire will be unable to renew or seek an extension and could be removed from the country.

The Resolution further states that given the lack of medical resources and shortages of staff that provide medical care, it is of utmost urgency that the USCIS grant an extension to all work permits and H-1B visas issued to critical workers, including healthcare professionals, such as doctors and nurses, who are providing life-saving services for our communities. The Resolution therefore recommends that the City support legislation or administrative action to extend all work permits and visas for critical workers, including healthcare professionals such as doctors and nurses, who are providing life-saving medical services for our communities.

BACKGROUND

According to recent government studies and news reports, the rapid spread of the Coronavirus (COVID-19) pandemic has had a major impact on the health care industry. In April 2020, the U.S. Department of Health and Human Services (HHS), Office of the Inspector General, released a report detailing results from a survey conducted from March 23-27, 2020, which provides a snapshot of hospitals' challenges and needs in responding to the COVID-19 pandemic. Among other challenges, hospitals reported a shortage of specialized providers to meet the anticipated patient surge and raised concerns that staff exposure to the virus may exacerbate staffing shortages and lead to exhaustion. Hospital administrators also expressed concern that fear and uncertainty were taking an emotional toll on staff, both professionally and personally.

The U.S. Department of State–Bureau of Consular Affairs reports that as of April 8, 2020, despite the worldwide suspension of routine visa services, U.S. embassies and consulates will continue to provide emergency and mission critical visa services to the extent possible, given resource constraints and local government restrictions. Medical professionals with an approved U.S. non-immigrant or immigrant visa petition or a certificate of eligibility in an approved exchange visitor program, particularly those working to treat or mitigate the effects of COVID-19, may request an emergency appointment.

Foreign-born medical professionals already in the United States may consult with their program sponsor to extend their programs in the U.S. Generally, J-1 visas for foreign-born medical residents in the U.S. can be extended one year at a time for up to seven years. The Bureau of Consular Affairs notes that the expiration date on a U.S. visa does not determine how long one can be in the U.S. Medical professionals with an expiring J-1 visa may visit the U.S. Department of Homeland Security, Customs and Border Patrol (CBP) website[1] to determine the length of their stay. Such medical professionals who wish to extend their stay or adjust their visa status must apply to the United States Citizen and Immigration Services (USCIS)[2]. The website indicates that USCIS offices are temporarily closed to the public to at least May 3, 2020. USCIS may provide limited services for emergency situations.

According to the Migration Policy Institute, a large number of health care professionals, including doctors and nurses, practicing in the U.S. are foreign-born with work permits or visas. Amidst the COVID-19 pandemic, these critically needed medical professionals are facing challenges securing appointments with the USCIS to adjust their expiring visas due to federal office closures, travel restrictions, and lack of coordination among federal agencies.

It is therefore recommended, that the City Council adopt Resolution (Blumenfield-O'Farrell) to extend all work permits and visas for critical workers, including healthcare professionals such as doctors and nurses, who are providing life-saving medical services for our communities.

Felipe V. Chavez - rg

Felipe Valladolid Chavez
Legislative Analyst

Attachment: Resolution (Blumenfield-O'Farrell)

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[1] https://i94.cbp.dhs.gov/I94/#/compliance-search

[2] https://travel.state.gov/content/travel/en/News/visas-news/update-on-h-and-j-visas-for-medical-professionals.html#ExternalPopup

RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation rules, regulations, or policies proposed to or pending before a local, state, or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and.

WHEREAS, on January 31, 2020, the Secretary of Health and Human Services declared a public health emergency due to the Coronavirus (COVID-19) pandemic which has had a devastating public health and economic impact on communities throughout the United States; and

WHEREAS, On March 4, 2020, Governor Newsom and Mayor Garcetti issued "stay-at-home" orders to protect the health and safety of our communities; and

WHEREAS, Congress has been enacting legislation to provide funding assistance to individuals and businesses, and providing medical supplies for hospitals, to address the public health and economic ramifications of COVID-19; and

WHEREAS, most frontline responders who are doctors, nurses, and other medical professionals are in the process of receiving the medical supplies and employee protections needed to continue to function; and

WHEREAS, however, many frontline first responders are in the United States providing these critical services are foreigners on work permits or H-1B visas and are facing an additional challenge with their status in the United States; and

WHEREAS, as a result of the temporary closure of United States Citizenship and Immigration Services Offices due to COVID-19, frontline responders whose work permits and visas may be due to expire will be unable to do so without an extension and may face removal; and

WHEREAS, given the lack of medical resources and shortages of staff that provide medical care, it is of utmost urgency that the USCIS grant an extension to all work permits and H-1B visas issued to critical workers, including healthcare professionals, such as doctors and nurses, who are providing life-saving services for our communities;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by adoption of this Resolution, the City of Los Angeles hereby includes in the 2019-2020 Federal Legislative Program SUPPORT for legislation or administrative action to extend all work permits and visas for critical workers, including healthcare professionals such as doctors and nurses who are providing life-saving medical services for our communities.

ORIGINAL

PRESENTED BY _____
BOB BLUMENFIELD
Councilmember, 3rd District

APR 7 2020

SECONDED BY _____

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